



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

July 31, 2020

Honorable Ona T. Wang
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *Kobre & Kim v. Commodity Futures Trading Commission,*
19 Civ. 10151 (LAK) (OTW)**

Dear Judge Wang:

This Office represents the Commodity Futures Trading Commission (“CFTC”), the defendant in this case brought by Plaintiff Kobre & Kim pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). We write on behalf of both parties to provide a joint status update, in accordance with the Court’s January 16, 2020, Order (Dkt. No. 18) (the “Order”).

In accordance with its representations in the parties’ January 15, 2020, letter, the CFTC has reviewed and produced documents on a rolling basis, with productions made monthly. As of July 30, 2020, the CFTC completed its productions in this matter, according to the schedule set forth in the January 15, 2020, letter. These productions consisted of a total of 1,873 documents. In preparing to make these productions, the CFTC reviewed a total of 26,438 documents in accordance with the search parameters agreed to by the parties. The CFTC also provided logs of the documents that were redacted in full on the ground that they are subject to one or more FOIA exemptions.

On May 1, 2020, Plaintiff filed a motion to compel in accordance with the briefing schedule set by the Court’s April 14, 2020, Order (Dkt. No. 22). That motion is fully briefed. Kobre & Kim submits that that motion is ready for decision and reserves all rights in respect of that motion. As stated in its opposition to that motion, the CFTC’s position is that the issues raised in the motion should be decided in connection with motions for summary judgment.

The parties will confer about next steps and update the Court.

We thank the Court for consideration of this matter.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney
for the Southern District of New York

By: /s/ Rachael L. Doud .
RACHAEL L. DOUD
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-3274
E-mail: rachael.doud@usdoj.gov

Counsel for Defendant